BARNSLEY
Metropolitan Borough Council

APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1361

To Turley Associates
33 Peel Place
Leeds
LS1 2RY

Proposal Erection of an advanced learning centre, car parking, new access, formation of sports pitches and other ancillary facilities (Reserved Matters)

At Land West of Engine Lane, Shafton, Barnsley

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 22 October 2009 and described above, being matters reserved in the permission granted on 28th August, 2007 under Application Number 2007/0822.

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to the following conditions:-

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Stephen Moralee

Signed
Assistant Director, Planning and Transportation

Dated 19 January 2010

Planning and Transportation Service
PO Box 604, Barnsley, S70 9FE
Telephone: 01226 - 772600
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2 Unless otherwise agreed in writing before the development is commenced,
(i) A detailed assessment of ground conditions of the land proposed as playing field (including drainage and topography) to identify constraints which could affect playing field quality; and
(ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full within 18 months of the new school being brought into use.
Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy

3 Prior to commencement of the development, details of the design and layout of multi use games areas and synthetic turf pitch, which shall comply with Sport England Design Guidance Notes 'Access for Disabled People 2002' and A Guide to the Design, Specification and Construction of Multi Use Games Areas (MUGAs) including Multi-Sport Synthetic Turf Pitches (STP's), shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The Multi Use Games Areas and synthetic turf pitch shall be constructed in accordance with the approved design and layout details before they are brought into use.
Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with Policy

4 Prior to the new school being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.
Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy

5 Unless otherwise agreed in writing by the Local Planning Authority no trees, or shrubs within the application site and within the adjacent land shown to be within the applicants ownership which are shown as being retained on the approved plans shall be felled, uprooted, damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any such trees or shrubs removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees or shrubs of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason: To safeguard existing trees or shrubs, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland and Trees and GS22A.

6 Unless otherwise agreed in writing no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs.
Reason: In the interests of the visual amenities of the locality.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality.

8 a) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place and the Local Authority is notified.
(b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
(c) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

9 Prior to the occupation of the building full details (including the location, number, colour, height and design of the lighting columns and cowls, the angle/direction of the light source and luminance of the light fittings) of the proposed floodlighting (including security lighting) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in full accordance with the approved details and thereafter retained as such.
Reason: In the interests of the residential amenity of the occupiers of nearby properties and the visual amenity of the area.

10 Notwithstanding the details shown on the submitted plans before development commences revised details of the number and layout of parking spaces to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained as such.
Reason: In order to comply with the maximum parking standards set out in SPD 32 Parking, Transport Assessments and Travel Plans.

11 Prior to the development being brought into use details of a footpath link, for use by pupils, from Engine Lane to the school entrance shall be submitted to and agreed in writing by the Local Planning Authority. The footpath link shall be provided prior to the development being brought into use in accordance with the approved details and therafter retained.
Reason: In the interests of pedestrian safety.

Reason(s) for Granting Permission

1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan, set out below, and to all relevant material considerations, including the Education Sites DPD and the particular circumstances summarised below:

GS8 - Green Belt
T2 - New development and the highway network

In reaching this decision the Council were mindful of the particular circumstances of this application, namely:

It is proposed to replace the existing secondary schools on a site which is considered accessible to the communities it will serve. Subject to compliance with the attached conditions it is considered that the proposed development can be adequately accommodated on the site without resulting in any significant detriment to the visual amenities of the Green Belt, highway safety, residential amenities or the character of the area.

Informative(s)

1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:

- Collapse of shallow coal mine workings;
- Collapse of, or risk of entry into, mine entries (shafts and adits);
- Gas emissions from coal mines including methane and carbon dioxide;
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
- Transmission of gases into adjacent properties from underground sources through ground fractures;
- Coal mining subsidence
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2 It is recommended that the drainage assessment and improvement/management scheme is undertaken by a specialist turf grass consultant. Sport England technical design guidance for

MUGAs can be found on the Sport England website: www.sportengland.org. A model Community Use agreement is available on the Sport England website www.sportengland.org

3 This permission does not extend to ancillary items such as tractor sheds, conservatories, tensile structures and any other items for which details have not been submitted.

4 There are still outstanding details for matters such as the need to agree the scope and detail of section 278 highway works and site drainage that need to be agreed before any development commences on site.

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NOTES:-

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposal development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements*, to the provisions of the development order, and to any directions given under the order. He does not, in practice, refuse to entertain appeals solely because the local planning was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or the Secretary of State for the Environment, Transport and Regions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or County Council, London Borough or District Council in which land is situated as the case may be, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

3. In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.

* The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.